

**Before the
Commission on Common Ownership Communities
October 25, 2013**

In the Matter of

**Helen Jenkins
8203 Whispering Oak Way #104
Gaithersburg, Maryland 20879
Complainant**

vs.

Case No. 04-13

**Rosewood Residences Condominium
c/o Tiffany Releford, Esq.
1025 Connecticut Avenue N.W. #400
Washington, D.C. 20036
Respondent**

Order of Dismissal

The Complainant filed this dispute with the Commission alleging that she suffered financial damages as a result of the Respondent's failure to make timely repairs to her rental unit which were caused by a water leak into the unit.

After the Commission accepted jurisdiction of this dispute and had set it for a hearing, Respondent filed a motion to dismiss for lack of jurisdiction. Respondent alleged that at the time the complaint was filed, the Complainant was neither a resident in, or owner of, any unit in the Respondent.

Section 10B-8(4)(A) of the Montgomery County Code provides that the Commission has jurisdiction over certain types of disputes "between two or more parties." Section 10B-8(8) defines "parties" as owners, occupants, and governing bodies of common ownership communities.

Respondent alleged, and provided evidentiary support for its claim, that when the complaint was filed the complainant was not a "party" as defined by law. Complainant did not contest the allegation.

The panel believes that whether a person qualifies as a "party" within the meaning of Chapter 10B must be determined at the time the person files the complaint. The panel concludes that Complainant was not a "party" and it therefore has no jurisdiction over her claims.

The panel therefore ORDERS, that this complaint is DISMISSED WITHOUT PREJUDICE.

Commissioners Winegar and Fishbein concur.

Any person aggrieved by this decision may appeal it within 30 days to the Circuit Court of Montgomery County pursuant to the Rules of Court, Chapter 200, Judicial Review of Administrative Agency Decisions.



John McCabe, Panel Chair